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REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 18th August, 2015

S.R.O. No. 363/2015—In exercise of the powers conferred by sub-section (1) of Section 22 of the Odisha Land Grabbing (Prohibition) Ordinance, 2015 (Odisha Ordinance No. 1 of 2015), the State Government do hereby make the following rules, namely:—

1. Short title and commencement:— (1) These rules may be called the Odisha Land Grabbing (Prohibition) Rules, 2015.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions:— (1) In these rules, unless the context otherwise requires,—

- (a) 'Authorized Agent' means a person duly authorized by a party to present an application or reply on its behalf before the Court;
- (b) 'Chairman' means the Chairman of the Special Court;
- (c) 'Collector' means the Chief Officer in-charge of the revenue administration of a district and shall include an Additional District Magistrate;
- (d) 'Form' means a Form appended to these rules;
- (e) 'Ordinance' means the Odisha Land Grabbing (Prohibition) Ordinance, 2015;
- (f) 'Presiding Officer' means the Presiding Officer of the bench of the Special Court;
- (g) 'Registrar' means Registrar of the Special Court;
- (h) 'Section' means a Section of the Ordinance;

- (i) 'Tahasildar' means the Chief Officer in charge of the revenue administration of a Tahasil and shall include an Additional Tahasildar; and
- (j) 'Village' means a Revenue Village.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are respectively assigned to them in the Ordinance.

3. Procedure for making application:— (1) Every application to be made before the Special Court under sub-section (1) of Section 11 shall be in Form-I and shall be duly signed by the applicant.

(2) Every application under sub-rule (1) shall be made in respect of the lands specified in sub-section (3) of Section 1 or in respect of lands situated in other areas notified under the said sub-section.

(3) Every such application shall be presented in person or by an authorized agent or by an advocate to the Registrar.

(4) Every application shall be accompanied by true copies of all the documents duly signed in each page on which the applicant proposes or is likely to rely and as many copies shall be filed as are required in the Special Court for verification by the Tahasildar or by the officer authorized by the Special Court in this behalf and for service on all the respondents.

(5) On receipt of the application, the Registrar shall give a receipt acknowledging the receipt of the application and immediately register the case in the Case Register maintained for the purpose and record the case number on the application so received for presenting the same before the Presiding Officer for taking cognizance of the case in accordance with the provisions of the Ordinance.

4. Court Fee:— Every application filed before the Special Court and Reviews, if any, shall be affixed with such court fee of the amount as may be required in case of an application filed before a Judicial Court under the Court Fees Act, 1870 (Act No. 7 of 1870) as applicable in the State of Odisha.

5. Procedure for taking *suo motu* action:— Where the Special Court desires that *suo motu* cognizance of any case should be taken under sub-section (1) of Section 11, it may record a statement of facts within its knowledge and information and send it to the Registrar for registration of a case and thereafter notice shall be issued to the alleged land grabbers, aggrieved persons and such other persons, as may be deemed necessary, to appear before the Special Court and make their representation for necessary hearing on the issue of taking cognizance of the case and the same shall be decided in accordance with the provisions of the Ordinance.

6. Verification of application :— (1) Every application filed under sub-section (1) of Section 11 or every case of which cognizance is taken *suo motu* by the Special Court under rule 5 may, after being registered, be referred for local inspection or verification or both, by the Tahasildar having jurisdiction over the area or by any other officer of the Government authorized by the Court in this behalf.

(2) The Tahasildar or the officer to whom the application has been referred under sub-rule (1) shall make or cause to be made an inspection or verification or both, as soon as may be practicable and shall submit a full and complete report within two weeks from the date of receipt of the order with reference to revenue records and facts on ground as to the following:—

- (i) the correctness of the statements made in the application with regard to Serial no. 5 to 12 in Form-I;
- (ii) the facts relating to ownership, actual possession and use of the land concerned; and
- (iii) such other particulars and information as would be useful to the Court to arrive at a correct decision on the claims made in the application:

Provided that the said report is not required to be submitted in respect of the application filed by the Tahasildar.

(3) The Tahasildar or the officer to whom the application has been referred under sub-rule(1) shall also furnish copies of the extracts of the records showing

the survey number, record-of-rights and documents relating to a proof of ownership, possession and use of the land and any other relevant records.

(4) A copy of the report referred to in sub-rule (2) may be furnished to the applicant, to the respondents and other persons, if any, having interest in the land on payment of such charges as may be decided by the Tahasildar or the officer, as the case may be.

7. Notice of taking cognizance of a case :— The Special Court shall, after taking cognizance of the case, publish a notice in Form-II to be affixed in the office premises of the Special Court, Notice Boards of the Office of the Collector and the concerned Tahasildar under whose jurisdiction the land alleged to have been grabbed is situated, specifying the fact of taking cognizance of the case and such notice shall state that any objection which may be received by the Special Court from any person within the period specified therein will be considered by it.

8. Notice to persons interested in land :— The Special Court shall give notice in Form-III to the persons known or believed to be interested in the land.

9. Notice to the Land Grabber :— The Special Court shall, before passing an order under sub-section (11) of Section 11, give notice to the land grabber in Form-IV.

10. Procedure for serving notice :— (1) All notices proposed to be served under the Ordinance or the rules made thereunder shall be served by registered post with acknowledgment due.

(2) Within three days after the order of the Special Court, the applicant or the respondent, as the case may be, shall file before the Registrar the required number of covers correctly addressed bearing the required stamps and accompanied by postal acknowledgment forms purporting to bear the signature of the respondent or adult member of the family which shall be construed as sufficient service of the notice.

(3) The Special Court may declare that an endorsement of refusal made by the postman shall be deemed to be sufficient service and in case the covers returned with an endorsement that the addressee is not residing at the address or

has left the place without instructions, the Special Court may direct for substituted service by publication in any Newspaper in the local language having circulation in the area in which the respondent is known to have last resided.

11. Filing of counter:— The respondent or interested party may, and if so directed by the Special Court, shall file counter within a period of fourteen days or such extended time as the Special Court may grant.

12. Procedure for taking possession :— (1) The Special Court shall communicate its final decision or order to the affected parties and also to the Collector of the concerned district to give effect to the decisions of the Special Court.

(2) The Collector shall, on receipt of the order of the Special Court, issue or arrange to issue a direction in Form-V to the Tahasildar having jurisdiction over the area to take possession of the grabbed land on behalf of the Court and, if required, deliver possession of the land to the person ordered by the Special Court.

(3) A copy of the authorization issued by the Collector shall be served or arranged to be served on the person in possession or occupation of the grabbed land, as the case may be.

(4) Where the person in possession or occupation of the grabbed land delivers possession thereof voluntarily, the Tahasildar shall record a statement of the person to that effect and also record a certificate in Form-VI and send the same to the Collector and to the Special Court.

(5) Where the person in possession or occupation of the grabbed land fails to deliver possession of that land voluntarily, the Tahasildar may enter on the land and take possession thereof after removing the obstruction or unauthorized occupant, if any, on such land, by taking police assistance as may be necessary and record a certificate in Form-VII duly attested by two witnesses.

(6) The certificate in Form-VII shall be prepared in duplicate and one copy each shall be sent to the Special Court and the Collector.

(7) Where the Collector directs the Tahasildar to deliver possession to the person ordered by the Special Court, the Tahasildar shall accordingly deliver possession and record a certificate to that effect.

(8) Where the Tahasildar has been directed that the land taken possession of shall be kept under his control and management, the Tahasildar shall take possession of the land and report the same to the Collector.

(9) An order granting compensation and profits and cost of redelivery passed in favour of an owner other than the Government may be executed by the Special Court in accordance with the provision of the Code of Civil Procedure, 1908.

13. Review:— (1) An application for the review of the order passed by the Special Court may be preferred within thirty days from the date of passing such order.

(2) The application for review shall be decided ordinarily by the same members who have passed the order or judgement under review and in case the member passing the order or judgement ceases to hold office, the Chairman shall nominate any other member in his place to hear the case alongwith other members and where the Chairman who happened to be the member of the Bench passing such order or judgement ceases to hold office, his successor shall hear the case.

14. Seal and Emblem :— The official Seal and Emblem of the Special Court shall be such as may be specified by the Government.

15. Salary and allowances of the Chairman and Members of the Special Court:—

(1) In case of appointment of the Chairman of the Special Court from among the sitting Judges of the High Court, he shall be entitled to his salary and allowances which is admissible to a sitting Judge of the High Court.

(2) In case of appointment of a retired Judge of the High Court as Chairman of the Special Court, he shall be entitled to his salary and allowances of a sitting Judge of the High Court minus pension.

(3) In case of appointment of the Judicial Member of the Special Court from among the District Judges, he shall be entitled to the salary and allowances admissible to a District Judge.

(4) In case of appointment of a retired District Judge as Judicial Member of the Special Court, he shall be entitled to the salary and allowances admissible to a District Judge minus pension.

(5) In case of appointment of the Revenue Member of the Special Court from among the Serving Officers of the State Government, he shall be entitled to the salary and allowances which is admissible to him on the Scale of Pay attached to his post held under the State Government.

(6) In case of appointment of retired officer of the State Government as Revenue Member, he shall be entitled to the salary and allowances which is admissible to such Officer of the State Government minus pension.

[No. 23929-IVC-II-11/2015/R&DM]

By Order of the Governor

MONA SHARMA

Principal Secretary to Government

FORM-I

Application under sub-section (1) of Section 11 of the Odisha Land Grabbing (Prohibition)
Ordinance, 2015

[See rule 3(1)]

To

The Chairman, Special Court

1. Full name of the Applicant.....
2. Father's/Husband's Name.....
3. Address:-
 - (a) Village/ Town.....
 - (b) P.O.....
 - (c) P.S.....
 - (d) Tahasil.....
 - (e) District.....
4. Name(s) and address of the respondent(s):-
 - (a) Name.....
 - (b) Father's/ Husband's Name.....
 - (c) Village/ Town.....
 - (d) P.O.....
 - (e) P.S.....
 - (f) Tahasil.....
 - (g) District

(* In case of more than one respondent, name and address of each respondent should be mentioned separately.)
5. Detailed particulars of the land alleged to have been grabbed:-
 - (a) Name of the Village.....
 - (b) Holding No., if any.....
 - (c) Plot No.....
 - (d) Khata No.....
 - (e) Name of the R.I Circle.....
 - (f) Name and number of the Police Station.....
 - (g) Name of the Tahasil.....
 - (h) Name of the District.....
6. Value of the land (in Rs.).....
7. (a) Whether there is any house or structure on the land.....
 - (b) If so, to whom they belong.....

8. A concise statement of all relevant facts as to the claim (if necessary, extra sheet may be added.....
9. Summary of the evidence proposed to be adduced.....
10. True copies of the documents relied on.....
11. Other relevant particulars to identify the property.....
12. Any other particulars which the applicant intends to furnish.....

I hereby declare to the best of my knowledge and belief that the information and particulars furnished above and its enclosures are full, complete and correct.

Place:.....

Date:.....

Signature of the Applicant

FORM-II

(See rule 7)

NOTICE

Whereas, the Special Court has taken cognizance of the case filed by Mr. / Ms.
Son/Daughter/Wife of.....of village/
 Town.....;

And, whereas, it is alleged that the land belonging toas specified in
 the Schedule below is grabbed by Mr. / Ms.son/
 daughter/ wife of.....of village/ Town.....P.S..... Tahasil..... of
 district.

Notice is hereby given under rule 7 of the Odisha Land Grabbing (Prohibition) Rules,
 2015 that if any person intends to file any objection, he may submit his objections, if any, before
 the Special Court on or before the.....day of.....for its consideration.

Any objection which may be received by the Special Court from any person within the
 period specified hereinbefore will be considered by the Special Court.

If no objection is received by the Special Court within the stipulated time as mentioned
 hereinabove, it shall be presumed that there are no objections for proceeding further and the
 case will be proceeded accordingly.

THE SCHEDULE

Name of the District.	Name of the Tahasil.	Name and number of the Police Station.	Name of the R.I Circle.	Name of the Village.	Khata No.	Plot No.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Place :

Signature :

Date :

Designation:

FORM-III

(See rule 8)

NOTICE

To

Mr. / Ms.....

Son/ daughter/ wife of

Village/ Town.....

Ward No (in case of Town).....

Street No.....

P.O.....

P.S.....

District.....

Whereas, a case bearing no. has been registered before this Special Court and the case has been taken cognizance of by this Special Court;

And, whereas, the Special Court, after preliminary hearing/ inquiry has considered that you are interested/ likely to be interested in the subject matter of the case, for which your appearance in the case before the Special Court is necessary;

Notice is hereby given to you under rule 8 of the Odisha Land Grabbing (Prohibition) Rules, 2015 to appear personally or through your authorized legal representative/ attorney/ advocate/ pleader to submit your written representation/ objection to the case before the Special Court on..... at.....A.M/ P.M in the interest of disposal of the case; otherwise, the case shall be decided *ex parte*.

Place :

Signature :

Date :

Designation :

FORM-IV
(See rule 9)
NOTICE

To

Mr. / Ms.....

Son/ daughter/ wife of

Village/ Town.....

Ward No (in case of Town).....

Street No.....

P.O.....

P.S.....

District.....

Whereas, a case bearing no. has been registered before this Special Court and the case has been taken cognizance of by this Special Court;

And, whereas, the Special Court, after preliminary hearing/ inquiry has considered that you are alleged to have been involved in the case of the alleged land grabbing for which you are required to appear before this Special Court for your defence in the case;

Notice is hereby given to you under rule 9 of the Odisha Land Grabbing (Prohibition) Rules, 2015 to appear personally or through your authorized legal representative or advocate or pleader to submit your written representation or objection to the case before the Special Court on..... at.....A.M/ P.M in the interest of disposal of the case failing which the case shall be decided *ex parte*.

Place :

Signature :

Date :

Designation :

FORM-V

[See rule 12(2)]

Office of the Collector,.....

Direction to take and deliver possession.

The Special Court constituted under the Odisha Land Grabbing (Prohibition) Ordinance, 2015 (Odisha Ordinance No. 1 of 2015) by its order number.....dated..... passed in Case No..... has decided that the ownership of the land grabbed mentioned in the schedule below, belongs to the Government/local authority/ a statutory or non-statutory body owned, controlled or managed by Government/ Bhoodan Yagna Samiti/ religious or charitable institution or endowment or a WAKF (to be specified).....

You are hereby directed to take possession of the land grabbed on behalf of the Government from Mr./Ms.....Son daughter/wife of.....,resident of Village.....under.....Tahasil of.....District who is in possession or occupation of the said land and deliver the possession to the said owners, within a week from the date of receipt of this authorization. The fact of delivering the land to the rightful owner may be reported immediately thereafter.

THE SCHEDULE

Name of the District.	Name of the Tahasil.	Name and number of the Police Station.	Name of the R.I Circle.	Name of the Village.	Khata No.	Plot No.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Date:

Seal and Signature of Collector

FORM-VI

[See rule 12 (4)]

Certificate

This is to certify that Mr./Ms.....son/daughter/ wife
of..... resident of village..... P.S..... of district..... who was in
possession or occupation of the land mentioned in the Schedule below belonging to
Government/ local authority/ statutory or non-statutory body owned, controlled or managed by
Government/ Bhoodan Yagna Samiti/ public religious or charitable institution/Endowment or
WAKF has delivered possession thereof voluntarily in pursuance of the order dated of
the Court passed in Case No.....

THE SCHEDULE

Name of the District.	Name of the Tahasil.	Name and number of the Police Station.	Name of the R.I Circle.	Name of the Village.	Khata No.	Plot No.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Signature of the person
who was in possession/ occupation of the land

Signature of the Tahasildar

Date :

Seal :

Form-VII

[See rule 12(5)]

Certificate

This is to certify that Sri.....Son/ daughter/ wife of.....who is in possession or occupation of the land shown in the Schedule below having failed to deliver possession of the said land voluntarily in pursuance of the order dated..... of the Court passed in Case No....., I have entered the said land and taken possession thereof after removing the obstruction and unauthorized occupation on the said land on this day.....of.....Month.....Year.

Witness

Signature of the Tahasildar

1.

Date :

2.

Seal :

THE SCHEDULE

Name of the District.	Name of the Tahasil.	Name and number of the Police Station.	Name of the R.I Circle.	Name of the Village.	Khata No.	Plot No.
(1)	(2)	(3)	(4)	(5)	(6)	(7)